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JELLY BELLY CANDY COMPANY

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

DAVID KLEIN,

Plaintiff,

v.

JELLY BELLY CANDY COMPANY,

Defendant.

Civil Action No. 2:23-cv-00035-DAD-JDP

**[PROPOSED] ORDER AND JUDGMENT  
GRANTING DEFENDANT JELLY BELLY  
CANDY COMPANY'S APPLICATION  
FOR ATTORNEYS' FEES AND COSTS  
PURSUANT TO RULE 41(D)**

[Filed Concurrently with (1) Notice of  
Application for Attorneys' Fees and Costs  
pursuant to Rule 41(d); (2) Memorandum of  
Points and Authorities; and (3) Declaration of  
Eric D. Wong]

Date: May 2, 2023

Time: 1:30 p.m.

Courtroom: 4, 5th floor

Trial Date: None Set

After consideration of Defendant Jelly Belly Candy Company's Application Under Rule 41 of the Federal Rules of Civil Procedure, the pleadings, briefs, and oral argument presented, as well as all other relevant matters presented to the Court, the hereby GRANTS the application and ORDERS as follows:

1. The fees and costs incurred by Defendant Jelly Belly Candy Company are reasonable.
2. Defendant Jelly Belly Candy Company shall be entitled to an award of attorney's fees and costs incurred in the New York Action in an amount of \$152,294.55.
3. All claims of Plaintiff David Klein are dismissed with prejudice.
4. Judgment shall be, and hereby is, entered in favor of Defendant Jelly Belly Candy in the amount of \$152,294.55.
5. Plaintiff David Klein shall, by no later than fourteen (14) days of the date of this Order, satisfy this Judgment by sending a certified check in the amount of \$152,294.55 made payable to Jelly Belly Candy Company to the following address:  
  
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Greenberg Traurig, LLP  
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6. The Court shall retain jurisdiction over this matter with respect to the enforcement of this Order and Judgment, including the jurisdiction to issue any appropriate orders to show cause and other appropriate relief, including a debtor's examination and other post-judgment discovery.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

HON. DALE A. DROZD  
United States District Court Judge